IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.165 OF 1996

The Commissioner of Income Tax
Kolhapur .. Applicant.
V/s.
Shri Panchganga SSK Ltd., .. Respondent.

Mr.A.S. Rao with Mr.Pankaj Kapoor for the applicant.
Mr.S.N. Inamdar with Mr.P. Vaidya for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.
DATED : 26TH APRIL, 2005.

P.C. :

1. Heard the learned counsel for the parties. The Tribunal has referred following questions for the opinion of this Court, reading as under :

1. Whether on the facts and in the circumstances of the case the Tribunal was justified in treating the refundable deposits as loans and not as income ?

2. Whether on the facts and in the circumstances of the case the Tribunal was justified in law in holding in respect of Chief Minister's relief fund, that the assessee acted as an agent and collections were made as per the directions of the State Government. For spending them on the purpose specified by the State Government and that the collections were made by way of retaining amount of cane price payable to the sugar cane growers and hence are not trading receipt liable to tax ?

2. In so far as all items are concerned, the issue is covered by the decision of the Apex Court in the case of **Siddheshwar S.S.K. Ltd. V/s. CIT [(2004) 270 ITR 1 (SC)]** in favour of the assessee and against the revenue.

3. The reference is disposed of in the above terms with no order as to costs.

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